

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 125

June 25, 1997, 2:17 pm
Page S-6306 Temp. Record

BALANCED BUDGET ACT/New Medicaid Facility Rate Mandate

SUBJECT: Balanced Budget Act of 1997 . . . S. 947. Wellstone motion to waive the Budget Act for the consideration of the Lautenberg (for Wellstone) amendment No. 488.

ACTION: MOTION REJECTED, 39-60

SYNOPSIS: As reported, S. 947, the Balanced Budget Act of 1997, will make net mandatory spending reductions to achieve the savings necessary to balance the budget by 2002 and to provide the American people with tax relief. This bill is the first reconciliation bill that is required by H.Con. Res. 84, the Budget Resolution for fiscal year (FY) 1998 (see vote No. 92). The second bill will provide tax relief (see vote No. 160).

The Lautenberg (for Wellstone) amendment would require the States to provide assurances to the Federal Government that their Medicaid reimbursement rates for hospitals, nursing homes, and other medical care facilities were "actuarially sufficient to ensure access to and quality of services." Under current law (known as the Boren amendment), States are required to have Medicaid reimbursement rates for hospitals, nursing homes, and other medical care facilities that are "reasonable and adequate" to meet the cost of operating the facilities. In lieu of the Boren amendment, the bill will require States to have public processes for determining reimbursement rates which will include opportunities for review and comment. The Boren amendment has caused numerous lawsuits with its vague language, and its repeal is urged by the National Governors' Association and by President Clinton (for related debate, see vote No. 124).

The amendment was offered after all debate time had expired. However, by unanimous consent some debate was permitted. After debate, Senator Domenici raised the point of order that the Wellstone amendment violated section 310 of the Budget Act. Senator Wellstone then moved to waive the Budget Act for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote is required to waive the Budget Act. Following the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

(See other side)

YEAS (39)			NAYS (60)			NOT VOTING (1)	
Republicans (3 or 5%)	Democrats (36 or 82%)		Republicans (52 or 95%)	Democrats (8 or 18%)		Republicans (0)	Democrats (1)
Chafee	Akaka	Inouye	Abraham	Hutchinson	Breaux		Glenn ²
Frist	Baucus	Johnson	Allard	Hutchison	Bryan		
Jeffords	Biden	Kennedy	Ashcroft	Inhofe	Feingold		
	Bingaman	Kerry	Bennett	Kempthorne	Kerrey		
	Boxer	Lautenberg	Bond	Kyl	Kohl		
	Bumpers	Leahy	Brownback	Lott	Landrieu		
	Byrd	Levin	Burns	Lugar	Moynihan		
	Cleland	Lieberman	Campbell	Mack	Robb		
	Conrad	Mikulski	Coats	McCain			
	Daschle	Moseley-Braun	Cochran	McConnell			
	Dodd	Murray	Collins	Murkowski			
	Dorgan	Reed	Coverdell	Nickles			
	Durbin	Reid	Craig	Roberts			
	Feinstein	Rockefeller	D'Amato	Roth			
	Ford	Sarbanes	DeWine	Santorum			
	Graham	Torricelli	Domenici	Sessions			
	Harkin	Wellstone	Enzi	Shelby			
	Hollings	Wyden	Faircloth	Smith, Bob			
			Gorton	Smith, Gordon			
			Gramm	Snowe			
			Grams	Specter			
			Grassley	Stevens			
			Gregg	Thomas			
			Hagel	Thompson			
			Hatch	Thurmond			
			Helms	Warner			
							EXPLANATION OF ABSENCE:
							1—Official Business
							2—Necessarily Absent
							3—Illness
							4—Other
							SYMBOLS:
							AY—Announced Yea
							AN—Announced Nay
							PY—Paired Yea
							PN—Paired Nay

Those favoring the motion to waive contended:

The Wellstone amendment is intended as a compromise between the Boren amendment and the language in this bill. Critics of the Boren amendment charge that its vague language has engendered lawsuits; critics of the bill's provision charge that its permissive language will lead us to the nursing home and other facility abuses of the past. As a compromise, we have asked for actuarially sound decisions. This compromise would bring the mathematical certitude some Senators seek without hurting the quality of care that other Senators fear will result from the Boren amendment's repeal. It is a fair compromise. We should waive the Budget Act for its consideration.

Those opposing the motion to waive contended:

The distinction between the Wellstone amendment and the current-law Boren amendment is virtually nonexistent. The term "actuarially sufficient" would engender just as many lawsuits as the vague language of the Boren amendment has engendered, and, like the Boren amendment language, it would drive up costs and would lead to a bureaucratization of services. A strong majority of Senators already rejected the Mikulski amendment, which essentially would have had the same effect as this amendment. We are therefore confident that a majority of Members will reject this amendment as well.